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Stenographic Transcript Of

HEARINGS

Before The

COMMITTEE ON PUBLIC WORKS

UNITED STATES SENATE

WATER POLLUTION CONTROL ACT

EXECUTIVE SESSION

Washington, D. C.

October 5, 1971

Alderson Reporting Company, Inc.

*Official Reporters*

300 Seventh St., S. W. Washington, D. C.

NA 8-2345



## EXECUTIVE SESSION

## WATER POLLUTION CONTROL ACT

TUESDAY, OCTOBER 5, 1971

United States Senate,  
Committee on Public Works,  
Washington, D. C.

The Committee met at 10:20 a.m., pursuant to notice, in room 4110, New Senate Office Building, Hon. Jennings Randolph (Chairman of the full Committee) presiding.

Present: Senators Randolph, Muskie, Jordan, Eagleton, Tunney, Bentsen, Cooper, Baker, and Weicker.

Staff members present: M. Barry Meyer, Counsel; Thomas C. Jorling, Minority Counsel; and Leon G. Billings, Professional Staff Member.

The Chairman. Gentlemen, I am going to ask Barry to call a matter to our attention that may be a way to move our agenda this morning rather than the one that might have been before us.

Mr. Meyer. On Wednesday, in passing on the definition of waste treatment facilities and what was eligible for Federal funding, the Committee, as I understand it, provided that storm and sanitary sewer separations could not take place

1 before 1975.

2 I have been deluged by calls from representatives of  
3 cities, saying, "Wait a second, are you sure that is what  
4 you want to do? " Because there are some cases where this  
5 kind of work will be cheaper than building additional municipal  
6 waste treatment facilities.

7 So the suggestion is instead of having the date to allow  
8 separation where it can be shown that this will represent  
9 a net savings in investment where necessary, until 1975, we  
10 can go into the whole question of separation of storm and  
11 sanitary sewers.

12 The City of Chicago is one of the examples. If they can  
13 build separation facilities which basically end up as storage  
14 facilities, they will be able to forestall the investment of  
15 a tremendous amount of money in waste treatment facilities.

16 Mr. Billings. We have a communications problem. The  
17 Administration is concerned that the cost of physical separation  
18 of storm and sanitary sewers could be somewhere between \$15 billion  
19 and \$50 billion, the actual physical separation of these  
20 facilities. The \$9 billion scheduled between '72 and '74  
21 does not anticipate any physical separation. However,  
22 beyond physical separation are some things you can do to minimize  
23 the adverse water quality impact of storm water overflow from  
24 combined sewers, including storage, which would be cheaper  
25 than constructing treatment works to handle a flow that only



1 occurs 10 or 15 percent of the time.

2 Chicago has shown that while they will be eligible for  
3 grants for treatment works, it will not be eligible for  
4 grants for storage under the present law.

5 I think the Committee's intent was not to foreclose the  
6 cheaper alternative, but to foreclose the physical separation  
7 in these first three years. If that was the intent the Staff  
8 basically misdrafted the language and the limitations should be  
9 the physical separation prior to 1975.

10 The Chairman. Lloyd, do you have any comment on this subject?

11 Senator Bentsen. No, Mr. Chairman, I was just following  
12 the line of reasoning just now.

13 The Chairman. I know you have continued to talk about  
14 the costs in many of these situations.

15 Ed, do you have any comment?

16 Senator Muskie. No, I think that what he said was a  
17 precise definition of what we had in mind. I think the  
18 physical separation program is one we ought to be careful  
19 about moving into. The other alternatives, it seems to me,  
20 ought to be developed, and maybe by making the distinction  
21 between the two we might even encourage development of this  
22 consideration.

23 Will that meet the objections?

24 The Chairman. I think it does from my standpoint.

25 Mr. Meyer. That will solve the problem.

1 Senator Baker. It doesn't add to the funding level;  
2 is just creates a greater discretion on the part of the planners.

3 Mr. Meyer. And the administrator has the final say.

4 Senator Muskie. Mr. Chairman, I move that the Staff be  
5 instructed to redraft the language to conform to the description  
6 of what is to be achieved.

7 The Chairman. Senator Muskie's motion is to have Leon  
8 and the staff draft the language carrying out the intent of  
9 the Committee as we understand it.

10 Is there a second?

11 Senator Baker. I second it.

12 The Chairman. Senator Baker seconds the motion.

13 All favoring the motion, will you say aye.

14 (Chorus of aye)

15 The Chairman. Are there those opposed?

16 (No response)

17 The Chairman. The motion meets the approval of the  
18 Committee members present.

19 How about the citizen suits question?

20 Senator Baker. Bayh is the one who we passed this over  
21 for. I think I had my say, and I don't think we ought to add  
22 much more to it until Senator Bayh is here to express his view  
23 on the alternative language.

24 The Chairman. He said he wanted to come by and express  
25 his view, but I don't know that he set any special time when he

1 could come.

2 Senator Baker. Why don't we wait until he does come?

3 The Chairman. All right.

4 Senator Baker. If Senator Bayh finds it impossible to do  
5 that, I would request that in view of the fact I won't be here  
6 tomorrow that we put it off until the next executive session  
7 when I will be here.

8 The Chairman. We would not be meeting tomorrow anyway.  
9 We go back to Wednesday, Thursday, and Friday of next week with  
10 meetings morning and afternoon next week. Friday will  
11 be only in the morning.

12 Senator Eagleton. Ten, and ten on Wednesday and Thursday,  
13 and ten on Friday of next week?

14 The Chairman. That would be right.

15 Senator Baker. We really ought to be able to report  
16 this bill quicker than that if we can get down to it.

17 I think we have one or two or three basic points of  
18 controversy, and I think we are going over the same ground.

19 The Chairman. That is not my desire.

20 Senator Muskie. I don't think we have lost anything because  
21 the staff has been closer and closer. I think in the process  
22 we are minimizing or at least possibly minimizing differences  
23 between the Senate and House bills, so that the conference  
24 procedure ought to be accelerated by that. But, in any case,  
25 I see no reason why we could not button it up next Wednesday,

1 if we can get rid of some of these cats, dogs and sleepers.

2 Senator Bentsen. We might advise Senator Bayh of our time  
3 schedule and urge him to be present and, if he can't, to give  
4 a written statement to us.

5 The Chairman. Let me ask, what hearing, just for my  
6 information, is he conducting?

7 Mr. Meyer. The gun control.

8 The Chairman. Let me see if there is another Senator  
9 there.

10 Senator Baker. Would it be appropriate to suggest now  
11 that in view of the fact we won't meet again under this schedule  
12 until next Wednesday, that the staff be instructed to have  
13 us another fresh Committee print by Wednesday?

14 The Chairman. I have asked Senator Bayh if he would not  
15 have someone else take the chair and he said he will come in  
16 in 10 or 15 minutes and be glad to give his thoughts on  
17 the matter, so that will be helpful.

18 Senator Baker. I suggested, Mr. Chairman, while you  
19 were out, since we are not going to meet again until next  
20 Wednesday that the staff ought to be in position, I would think,  
21 to have this Committee print promptly before our meeting  
22 on Wednesday.

23 Mr. Billings. We will try to have it for the members by  
24 Monday morning.

25 Senator Baker. If we could have it over the weekend,  
that would be great, but if we can't --



1 Mr. Billings. We will try.

2 The Chairman. I am sure, Leon, it is helpful to have it  
3 as soon as possible and I know you and your staff workers  
4 will try to accommodate as quick a print as you can, I am sure.

5 Mr. Billings. We will try to have two alternatives on  
6 this Refuse Act.

7 The Chairman. Ed?

8 Senator Muskie. We are not left with very much we can deal  
9 with. I am wondering if we might get some reading on the ocean  
10 dumping problem.

11 Senator Baker. May I suggest, Mr. Chairman, as I did earlier,  
12 that as far as I am concerned, I am obligated to recommend  
13 to the Committee that as the Commerce Committee agreed to  
14 defer action on their ocean dumping proposal pending the  
15 conference between Senator Randolph and Senator Magnuson,  
16 I suggest to this Committee that we defer our action on ocean  
17 dumping until such a meeting is held.

18 Senator Muskie. I just wonder what the prospects are  
19 of getting such a meeting.

20 The Chairman. I have met with him twice.

21 Mr. Meyer. I met with Mike Pertschuk, who is Chief  
22 Counsel for the Commerce Committee, yesterday afternoon and  
23 we discussed the problem and kicked around a couple of things  
24 and he said he would go back to Senator Magnuson and talk to  
25 him and he would be in touch with me and we would get the

1 two chairmen together. We should, I think, under any circum-  
2 stances perfect our language on ocean dumping since the  
3 Commerce Committee, as I understand it, has finalized its view  
4 on ocean dumping as far as legislation is concerned and when  
5 they are in final position and we are in final position the  
6 two chairmen can sit down. That was the impression I was given  
7 by their staff.

8 Senator Baker. It was not submitted on its merits to  
9 the full Committee.

10 Senator Muskie. I have no objection to taking a look at  
11 ours and seeing it. We might as well all refresh our recollec-  
12 tion of what it is.

13 Senator Baker. I don't want to beat a dead horse or  
14 belabor this issue, either, but I am obligated to say,  
15 and I really don't want to say, that if we can't reach agreement  
16 between the two committees, that I will recommend that we  
17 delete that section, and I don't want to see us delete  
18 the section, but, frankly, that is the representation I made  
19 in Commerce when I told them I thought the jurisdiction problems  
20 could be worked out by the chairmen.

21 Mr. Mayer. Under the rules of the Senate unless it can be  
22 worked out we are at an absolute impasse, we each have a veto  
23 on what the other one can do.

24 Mr. Jorling. Would it be profitable at all to describe  
25 the way the staff recommends or at least contingently recommends

1 incorporating ocean dumping to the framework of the other  
2 elements of the Water Pollution Control Act and identifying  
3 those areas where jurisdictional overlap is the greatest?

4 Senator Muskie. I think it would be very helpful.

5 Senator Bentsen. We need something like that so you know  
6 what to bargain on.

7 Senator Muskie. Why don't we do that? All the other items  
8 seem to be in a state of suspension at the moment.

9 The Chairman. I think, Lloyd, you are correct about  
10 that. It is a guideline under which all of us work.

11 Mr. Jorling. I will try to describe with the assistance  
12 of this graph, which may or may not be helpful, as to the  
13 House-passed bill which from my reading of the print that  
14 the Senate Commerce Committee staff has put together, how our  
15 proposal would overlap with theirs and where the areas of  
16 distinction might lie.

17 First of all, what we have prepared is a way of incorporating  
18 into the basic regulatory scheme that we have been describing  
19 throughout the last several days on point source discharge to  
20 regulate point source discharge and including in point source  
21 discharge the dumping from the vessel or other floating craft  
22 or dumping from a truck or rolling stock or whatever else  
23 the discharge occurring within three miles and including all of  
24 the navigable waters of the United States, to include that  
25 within that basic regulatory scheme.

1       Then, make a separation at the point of three miles  
2 extending from three miles indefinitely into the ocean,  
3 regulate that through a separate scheme, and that is the  
4 relevant definition on this chart, any disposal of pollutants  
5 into the contiguous zone which is the coastal waters, from  
6 three miles to 12 miles and into the ocean, to regulate that  
7 through a separate scheme and provide a separate, yet a third  
8 level of control, if necessary, over the transportation of  
9 pollutants by vessel, and the Secretary of Transportation,  
10 through the Coast Guard, modeling that regulatory scheme  
11 after the regulation of the hazardous substances and explosives  
12 that is presently in the code.

13       What this would do is provide that within three miles  
14 the Refuse Act permit program approach we described would  
15 regulate the discharge. It would also regulate the discharge  
16 through outfalls beyond three miles, in other words, into  
17 the contiguous zone or outward into the ocean where there are  
18 now proposed pipelines to carry waste as many as 90 miles  
19 offshore. But that the Refuse Act program using the best  
20 control technology approach would regulate these discharges.

21       I think what Barry has suggested to Mike would be that  
22 the Committee is most concerned when you go beyond three miles  
23 with that type of discharge, and leaving the question<sup>mark</sup> of the  
24 disposal from vessels and floating craft outside that range  
25 into the area of negotiation and also the area of transportation

1 negotiation.

2 I don't know whether that raises more questions than it  
3 answers.

4 Mr. Billings. As the bill passed the House, as I under-  
5 stand it, any disposal up to the high tidal mark, which would  
6 be up to Great Falls on the Potomac, would be regulated by  
7 the scheme of the House ocean dumping bill?

8 Mr. Jorling. The House ocean dumping bill would regulate  
9 the dumping of pollutants from where the tide ebbs and flows  
10 out to 12 miles. They would regulate the transportation of  
11 materials for dumping anywhere in the inland waters, the  
12 navigable waters as well as where the tide ebbs and flows out-  
13 ward indefinitely into the ocean.

14 Mr. Billings. What about discharges as we anticipate them  
15 from outfalls and so on? Would they be within the scope of  
16 the House ocean dumping bill as far as below where the tide  
17 ebbs and flows?

18 Senator Baker. What do you mean below?

19 Mr. Billings. Below Great Falls and out towards the  
20 ocean.

21 Mr. Jorling. There has been considerable ambiguity which  
22 has been attempted to be clarified, and they have interpreted  
23 the House-passed Act as not regulating outfalls within the  
24 navigable waters of the United States. But the language of the  
25 Act on its face would indicate that it would regulate those



1 outfalls.

2 Senator Muskie. What is their definition of dumping?

3 Mr. Jorling. That is where a considerable part of the  
4 ambiguity lies. The definition in the House-passed bill  
5 is dumping means a disposition of material provided that it does  
6 not mean a disposition of any effluent from any outfall structure  
7 where such disposition is regulated under the provisions of  
8 the Water Pollution Control Act, as amended, or under the  
9 provisions of Section 13 of the Rivers and Harbors Act of 1899,  
10 as amended, nor does it mean a routine dumping or operation of  
11 motor-driven equipment on vessels. There is an attempt here  
12 to exclude from the dumping the regulation that would be contained  
13 in the Refuse Act and in the Federal Water Pollution Control  
14 Act.

15 If that is the language the council has seized on as saying  
16 they don't regulate the outfalls in the navigable waters, but  
17 there is other language in the Act that indicates that is  
18 uncertain as to what the effect of that would be because of  
19 the scope of the jurisdiction.

20 Senator Muskie. That seems to me quite clear. I don't see  
21 any ambiguity, that definition seems to be that all they are  
22 trying to control is dumping from vessels.

23 Mr. Meyer. Or from barges.

24 Senator Jordan. Or trucks, or whatever might dump into  
25 a stream.

1 Mr. Jorling. It is uncertain as to why we would propose  
2 in language to regulate anything within the territorial  
3 seas when the Federal Water Pollution Control Act and the Refuse  
4 Act already does so. So there is a conflict in stating the  
5 regulatory authority.

6 Senator Muskie. They are simply repeating a prohibition  
7 that already exists. Can that definition of dumping be  
8 stretched to include point sources?

9 The Chairman. I would not think so.

10 Mr. Jorling. You mean through an outfall pipe?

11 Senator Muskie. Outfall.

12 Mr. Jorling. It would except for the fact it has this  
13 caveat, except for as regulated in the Federal Pollution  
14 Control Act and the Refuse Act.

15 Senator Muskie. That is part of the definition, with  
16 that exception. The point I am trying to make without getting  
17 bogged down in interpretation, as I understand that definition  
18 the rest of that Act is made to conform to that understanding  
19 of that definition and then the area of disagreement on juris-  
20 diction leads to whether or not dumping from vessels or barges  
21 or trucks offshore is within our jurisdiction or theirs.

22 Mr. Jorling. I think that would be the correct assessment.  
23 Does this Committee desire to continue to regulate discharges  
24 other than outfalls into the navigable waters and the territorial  
25 seas, as it presently does, or does it want the new regulatory

1 scheme to come in and substitute the regulation of that?

2 The Chairman. Ed, are you saying, in effect, and I see  
3 the narrowing here, would you be thinking that we take, let's  
4 say, the dredging out from our bill, and it would go in  
5 their bill?

6 Senator Muskie. No, I am just trying to identify what  
7 the area of differences are, because I am not only concerned  
8 with dredging but the control of pollution from vessels.

9 Senator Baker. Which I think is the most significant  
10 part of it. There is more conflict with that Act than there  
11 is with anything else.

12 Senator Muskie. Let me ask, does this ocean dumping  
13 bill have the effect of repealing what we did last year on  
14 vessel pollution?

15 Senator Baker. Probably not, if I can answer on vessel  
16 pollution, probably not to the extent that you are speaking  
17 of the regulation of intention, or unintentional spillage  
18 from bilges or the pumping of bilges or bottoms from the  
19 pumping of barges. I don't think there is any conflict between  
20 the bill we passed and this bill, probably insofar as it relates  
21 to the operation of a craft which may leak oil or spill oil  
22 unintentionally.

23 I think you have got a different set of standards set up  
24 for the two and this being the later passed bill might repeal  
25 some of it.

1 Mr. Meyer. Except for one thing, the definition excludes  
2 regulation under the Federal Water Quality Act as amended.

3 Both the oil pollution language and the sewage from vessels  
4 language we have are in the Water Quality Act.

5 Senator Baker. That is true, they were amendments.

6 Senator Muskie. If you exclude point sources of outfalls,  
7 if you exclude sewage from vessels, if you exclude oil spills,  
8 what kind of dumping from vessels does this concern?

9 Mr. Billings. Solid and liquid materials, concentrated  
10 materials, hauled out to sea for the purpose of disposal, of  
11 which you have a very large amount. If you will recall in our  
12 hearings there was the discussion.

13 Mr. Jorling. Within territorial seas.

14 Senator Muskie. All I am trying to do now is find the area  
15 of difference here. Is this all that bill purports to do,  
16 regulate the dumping of solid wastes?

17 Mr. Jorling. That is part of the conflict but, as I  
18 interpret their bill, they would regulate within the three mile  
19 limit and up to where the tide ebbs and flows all dumping  
20 of all materials that occur from other than outfall pipes.

21 Senator Muskie. But if they exclude in the definition  
22 of dumping sewage from vessels and outfalls, what does that  
23 include?

24 Mr. Jorling. You can't read this, any outfall structure  
25 under the Federal Water Pollution Control Act; it is limited

1 to outfall, so it preempts the dumping of sewage from vessels,  
2 the discharge oil.

3 Senator Muskie. So there is a direct conflict between  
4 that bill and what we have already legislated with respect to  
5 sewage from vessels and oil from vessels. Is that clear?

6 Mr. Meyer. It would also cover disposal of dredge spoil.

7 Mr. Jorling. They covered dredge spoil through a separate  
8 provision which authorizes the Secretary of the Army  
9 to operate that.

10 Mr. Meyer. It only goes to Section 13 of the Refuse Act  
11 and dredge spoils go to Section 10.

12 Senator Muskie. Some of these areas, sewage from vessels,  
13 oil spills, dredge spills, areas which we have already legislated,  
14 they are going to undertake to exercise jurisdiction, is that  
15 right?

16 Mr. Jorling. For a moment, let's say yes, but they do  
17 have an exclusion in the definition of materials that might  
18 further create that uncertainty as to why they are regulating  
19 at all within the territorial seas. The "material" means  
20 "matter of any kind or description including, but not limited  
21 to, dredge spoil, solid waste, garbage, sewage, sludge, munitions,  
22 radiological, chemical and biological and laboratory waste,  
23 wrecked or discarded equipment, rock, sand, excavation  
24 debris, and industrial waste; but such term does not mean oil  
25 within the meaning of Section 11 of the Water Pollution Control



1 Act, as amended, does not mean sewage from vessels within the  
2 meaning of Section 13. Those are the two that are in our Act.  
3 They have excluded them.

4 Mr. Meyer. And we include it under Section 11, so it  
5 automatically would be excluded. They don't have hazardous  
6 substances to begin with.

7 Mr. Jorling. The only thing that would remain for their  
8 regulation from where the tide ebbs and flows to the territorial  
9 sea, would be what we could call, for convenience, solid  
10 wastes or chemical wastes other than through outfalls.

11 Senator Muskie. Is that your understanding?

12 Senator Baker. I am sorry, I was not listening.

13 Senator Muskie. As I understand it, from what the staff  
14 has said, that bill does not touch outfall, it does not touch  
15 sewage from vessels, oil spills, which would seem to leave solid  
16 wastes.

17 Senator Baker. I really can't say that is the impression  
18 the Committee has. That may, and I am sure is the fair and  
19 logical explanation, but that certainly does not conform to the  
20 conversation of the Committee.

21 Mr. Billings. Is it your understanding that the question  
22 of outfalls into territorial seas and beyond, isn't it their  
23 interpretation that they would be covering those outfalls?

24 Senator Baker. It is very clear that is a matter they wish  
25 to consider, but they were not willing to relinquish authority

1 of outfalls which originated on land and were some distance  
2 out to sea. Bear in mind that the whole thing is on this  
3 basis. The House-passed bill is before the full Committee in  
4 executive session. I have no doubt but that the staff in the  
5 full Commerce Committee intends to suggest substantial modifica-  
6 tions. There were modifications and concepts and interpretations  
7 discussed in a brief period.

8 Senator Muskie. It seems to me that what we need to have  
9 the staff prepare is an agenda of items which concerns this  
10 question.

11 Senator Baker. We need a similar list from Commerce  
12 because those conversations were general and sweeping and we  
13 need somebody to particularize what the Commerce Committee  
14 has done.

15 Senator Muskie. And I think that list ought to include  
16 oil spills, oil spills within the zone and out to the ocean,  
17 discharges wherever, and solid wastes. Are those the principal  
18 items?

19 Senator Bentsen. You probably would want to amplify that  
20 with the staff's thoughts as to how you would meet that problem.

21 Senator Muskie. I think we ought to have at the staff  
22 level on both committees an understanding as to where the  
23 staff on each side considers that there is a jurisdictional  
24 conflict; in other words, which of these areas is the Commerce  
25 Committee considering asserting jurisdiction. It is said that

1 they are not asserting jurisdiction and to that extent all  
2 we are concerned with is a drafting problem to insure that  
3 there is no overreaching, but if in fact they intend to over-  
4 reach, and assert jurisdiction, then we have a different kind  
5 of problem.

6 I think we can narrow the area of discussion if we can  
7 identify these.

8 Senator Baker. Did they indicate to you that they had  
9 amendments to the House-passed bill to recommend?

10 Mr. Meyer. He said they had been working on it. All we  
11 were doing yesterday was sort of fencing with each other.

12 Senator Baker. I really do recommend that as quickly as  
13 possible you get Mike to specify changes in the House-passed  
14 bill they have in mind.

15 Mr. Meyer. I will get together--and Tom and I will sit  
16 down with Mike and his Republican counterpart on the Commerce  
17 Committee and we will go at this.

18 Mr. Jorling. Can we still get clear, it would seem the  
19 position of the Committee is that we should regulate through  
20 our legislation as is already in it all pollutant discharge  
21 whether it be from outfalls or from non-point sources or from  
22 vessels or other conveyances within the navigable waters,  
23 i.e., three miles and inward, from that point outward the  
24 disposal by vessel or other floating craft would be regulated  
25 in a separate scheme similar to the House-passed Act or the

1 section we have prepared and outfalls would continue to be  
2 regulated through the transportation separately?

3 Mr. Meyer. I would like to go at this the other way.

4 Senator Muskie. Wait a minute, you didn't touch upon  
5 sewage from vessels, oil spills. That is not limited to navigable  
6 waterways.

7 Mr. Jorling. To retain our authority.

8 Mr. Meyer. We want to make sure that the legislation  
9 which we have handled and are handling on sewage from vessels,  
10 on oil and hazardous substances discharge, all of the things we  
11 have been legislating on, they do not touch.

12 Senator Baker. Let me tell you what I think. This is  
13 based in part on the conversations I have had there and in part  
14 on surmise about the nature of the concept of jurisdiction  
15 of committee that the Commerce Committee staff has, I think  
16 they want jurisdiction on anything regulated to the movement  
17 of vehicles, inland, coastal waters, or otherwise, whether  
18 we have legislated it or not.

19 I think we probably can move halfway in between and keep  
20 oil spill and cargo type pollution but I think they are going  
21 to fight like tigers to keep any pollution incident to the  
22 operation of vehicles, vessels. I think they are probably going  
23 to give in on the outfall question.

24 Senator Muskie. I don't think we need this morning to prepare  
25 positions in advance on assumptions as to what they are trying

1 to do. I think we ought to say, "What are you trying to do?"  
2 And I think we ought to go to them with a list and say, "These  
3 are areas where we have asserted jurisdiction. Are you challenging  
4 these? Are you trying to roll back our jurisdiction in these  
5 areas? And, if so, what ways?" And then come back and report to  
6 us.

7 Senator Baker. I agree.

8 Mr. Jorling. One other element in their legislation that  
9 we have not focused on at all, and I think it would be useful  
10 at this time, there is an outright prohibition without  
11 equivocation or exception or any qualification whatsoever for  
12 the discharge of any radiological, chemical, biological warfare  
13 agent or high level radioactive waste into any waters, that  
14 includes navigable waters, waters of the contiguous zones of  
15 the oceans, it is just a flat prohibition of that kind of  
16 discharge.

17 I have no problem with it from a program standpoint, but  
18 that they have proposed to enact that kind of a prohibition.  
19 It did pass the House.

20 The Chairman. Who as a member or members of Commerce  
21 are closest to the bill?

22 Senator Baker. Mike Pertschuk on the staff has given  
23 the most careful attention to it and then Fritz Hollings,  
24 Hart, and Stevens.

25 Senator Muskie. I think that is about as far as you can



1 go on that question this morning, Mr. Chairman.

2 Since Senator Tunney is here, could we go to the Lake  
3 Tahoe question?

4 The Chairman. Let me ask a moment if we can take the  
5 citizens suit. Is that agreeable? Bayh said he would come  
6 if I would nod to him.

7 Senator Tunney. When do you anticipate, Mr. Chairman, that  
8 Tahoe will be on the agenda?

9 The Chairman. I would think on Wednesday, the first order  
10 of business.

11 We are adjourned.

12 (Whereupon, at 11:15 a.m., the Committee recessed, to  
13 reconvene at 10:00 a.m., Wednesday, October 13, 1971.)  
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